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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/986,354

Applicant(s)

MAJIKES ET AL.

Examiner

R. David Rines

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the amendment filed 3 June 2009. Claim 30 has been added. Claims 1-21 and 23-30 are pending.

Claim Rejections - 35 USC § 101

5 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

[2] Previous rejection of claims 25-28 have been overcome by Applicant's amendments to the claims and are herein withdrawn.

Previous rejection(s) of claims 15-21 and 23-24 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as set forth in the previous Office Action mailed 3 February 2009, are maintained. Applicant has amended the claims to indicate that the product selections are received from "...a client station associated with a user..." and Applicant notes in the remarks 3 June 2009 embodiments of the invention denote that the "...engine..." is a server. However, each of these elements are employed during insignificant extra solution

activity. The client station merely inputs data. The filtering module is claimed as merely “associated with the engine” and further, determining information about the user is reasonably interpreted as the act of simply pulling a profile of a user. In contrast to claim 25, claim 15 fails to positively claim the “engine” as conducting the functional “personalizing the information”.

Claims 16-21 and 23-24, when analyzed in the same manner described above with respect to claim 15, also fail to positively recite another statutory class of invention. Therefore, claims 16-21 and 23-24 are also rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Previous rejection(s) of claims 1-14, and 29 under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory descriptive material as maintained in the previous Office Action mailed 3 February 2009, are maintained herein. Newly added claim 30 is rejected on the same grounds.

Applicant has amended the claims to indicate that selections are “...based at least in part on an input from a client station...” and in the remarks filed 3 June 2009 Applicant notes an embodiment of the invention in which the engine is a server. However, as amended, the recited “...client station...” is not a component of the system. Regarding the engine, absent a specific indication of a hardware component as integral to the recited module(s), the Specification indicates that embodiments exist that are comprised exclusively of software (as noted in the

previous Office Action). Accordingly, Applicant amendments have failed to overcome previous rejection under 35 U.S.C. 101.

Claims 2-14, 29, and 30 when analyzed in the same manner described above with respect to claim 1, are also rejected under 35 U.S.C. 101 as being directed to nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[3] Claims 1-2, 4-7, 9-21, 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., (United States Patent #6,272,528) in view of Herz et al. (United States Patent #5,835,087) and further in view of Jinnett (United States Patent Application Publication (#20020120477)).

As per claim 1, Cullen et al. disclose a system for personalizing and delivering insurance or financial services-related content to a user, comprising: a product or service selection module for selecting at least one insurance or financial services-related category or products or services the user is interested in (Cullen et al.; col. 5, lines 19-41 and col. 7, lines 16-67); a filtering module associated with an engine for (1) determining information about the user based on the interest in particular insurance products or policies (Cullen et al.; col. 1, lines 31-45, col. 3, lines 29-34, and col. 5, lines 55-67), and (2) for personalizing and delivering the insurance or financial services-related content based on the information about the user (Cullen et al.; col. 1, lines 61-67, col. 6, lines 9-21, and col. 7, lines 16-67), the engine being accessible to the user over a communications network (Cullen et al.; Abstract, col. 3, lines 2-9, and col. 4, lines 1-35).

Cullen et al. fail to specifically indicate that the user's interest is "...based on the user's historical access pattern to particular insurance products or policies..." or that the products retrieved are "products or services the user is authorized to sell..."

With respect to these features, Cullen et al. teach the use of mobile agents that gather user information and preferences and subsequently collect information regarding insurance and financial products that is filtered to reflect the expressed interests of the user. Cullen et al. fail to disclose that user information and preferences are obtained via filtering the user's access behavior with regard to specific subjects or products that are of interest to the user. The user preferences are manually entered by an individual and retained by a "preferences agent".

Examiner notes that the claim as presently constructed recites an “engine” and then indicates an intended use for the engine which includes using user information to search for “products and services the user is authorized to sell” and “personalizing and delivering...at least one...insurance or product the user is authorized to sell...”. Examiner submits that under the broadest reasonable interpretation of the above noted limitations, the agent-based search engine of Cullen et al. retrieves information from a stored profile which is used repeatedly each time a search is performed and thus retrieves information based on the same or slightly modified user profile information each time (i.e., based on a historical access pattern). With respect to “user is authorized to sell” Examiner submits that any search engine (e.g. Cullen et al.) when used by an individual searching for products they can sell (e.g. an insurance agent searching the employer insurance company’s web content) would be aware of the companies with which the individual has a selling agreement and would use appropriate search terms to find “products the user is authorized to sell”.

Claim 1 has been amended with respect to the “product or service selection module” to specify that selections are made “...based at least in part on an input from a client station...”.

The noted amendment has been made in effort to overcome rejections under 35 U.S.C. 101 and does not alter the scope and recited functions of the claim.

Claim 1 has been further amended with respect to the "determining information" functions to further define the "user's historical access pattern" as "one or more products or policies that the user was interested in during a previous access to the system..."

As per these elements, as noted above, Cullen et al. fail to disclose filtering the historical access to products and services.

With respect to filtering an individual's access patterns to particular products and services, as is evidenced by Herz et al., filtering a user's browsing behavior, i.e., "access patterns" to generate an interest profile for the user that can be used to estimate the user's interest regarding other published material, is well-known in the electronic commerce and insurance/financial services art (Herz et al.; Abstract, col. 7, lines 47-67 and col. 17, lines 15-36).

With respect to the amended limitation, Examiner respectfully submits that the filtering of and associated interest profile of Herz et al. is based on "...one or more products or policies that the user was interested in during a previous access to the system..." at least insofar as presently claimed by Applicant. Specifically, Herz et al. disclose assembly of an interest profile that is generated and improved over time based on articles accessed by the user (Herz; col. 7, lines 25-40, col. 58, lines 26-67, col. 59, lines 1-38). Examiner respectfully submits that the noted teachings indicate that the information delivery of Herz is directly related to information previously of interest to the user (see monitoring accessing of articles and updating profile).

Herz fails to disclose filtering with respect to products or service a user is "authorized to sell..."

Regarding filtering information in accordance with defining products the "user is authorized to sell", as evidenced by Jinnett, it is well known in the e-commerce, insurance, and financial service art(s) to tailor or customize insurance and financial product information to such that it is in compliance with regulatory constraints that dictate the products that are authorized to be sold by a user or to a user in the user's respective jurisdiction, (Jinnett; Abstract paragraphs [0025] [0038] [0103]-[0109]). Specifically, Jinnett disclose a system and method that presents insurance and financial service product information and customizes transactions to accommodate the jurisdiction of the user, i.e., "products the user is authorized to sell", (Jinnett; paragraphs [0018] [0045] [0051] [0106]0[0108]).

Jinnett further discloses an administrative module/interface for inputting, updating and accessing user and product information (Jinnett; paragraphs [0099] [0103] [0109] *see updating and maintaining databases including products and user authentications, i.e., product information and user information).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the manual entry of user profile/preferences information of Cullen et al. with the filtering/access pattern-based profile of Herz et al. with the motivation and reasonable expectation of successfully directing subsequent queries to products and services that are relevant to the user's interests without requiring the user to expend an excessive amount of time

and energy searching for the information (Herz et al.; col. 1, lines 46-50 and col. 8, lines 1-7). Further, it would have been obvious to one of ordinary skill in the art to have modified the particular preference settings and interest-based filtering of Cullen and Herz to customize deliverables (i.e., product and service information) to accommodate the legal/regulatory standards of the desired location (Jinnett; paragraph [0107]) with motivation and reasonable expectation of successfully ensuring that products offerings are made and transactions are conducted without violating the laws of the applicable jurisdiction (Jinnett; Abstract).

As per claim 2, Cullen et al. teach a system wherein the insurance or financial services-related content is delivered to the user over the communications network (Cullen et al.; col. 1, lines 61-67, col. 3, lines 2-9, and col. 6, lines 9-21).

As per claim 4, Herz et al. teaches a system wherein the insurance or financial services-related content delivered to the user is located at a URL address (Herz et al.; col. 38, lines 18-32 and col. 58, lines 26-56).

As per claim 5, Herz et al. teach a system wherein the insurance or financial services-related content is delivered to the user via mail delivery means (Herz et al.; col. 38, lines 18-32, and col. 58, lines 26-56).

As per claim 6, Herz et al. teach a system wherein the mail delivery means comprises the United States Postal Service (Herz et al.; col. 38, lines 18-32, and col. 58, lines 26-56 NOTE: Examiner considers the use United States Postal Service "USPS" to be a user choice).

As per claim 7, Herz et al. teach a system wherein the mail delivery means comprises express delivery service (Herz et al.; col. 38, lines 18-32, and col. 58, lines 26-56 *express mail is a user choice).

As per claim 9, Cullen et al. teach a system wherein the information about the user and the insurance or financial services-related content are stored in a database (Cullen et al.; col. 3, lines 10-15, col. 6, lines 32-34 and col. 7, lines 42-44).

As per claim 10, Cullen et al. teach a system wherein the information about the user comprises the user's identity (Cullen et al.; col. 3, line 42 and col. 5, lines 33-41).

As per claim 11, Cullen et al. teach a system wherein the information about the user comprises log-in information such as user name and password (Cullen et al.; col. 4, lines 1-34).

As per claim 12, Cullen et al. teach a system wherein the insurance or financial services-related content comprises information about insurance products and services available to the user (Cullen et al.; col. 3, lines 10-15 and col. 7, lines 13-15).

As per claim 13, Cullen et al. teach a system wherein the insurance or financial services-related content comprises literature about insurance products and services available to the user (Cullen et al.; col. 6, lines 9-21).

As per claim 14, Cullen et al. teach a system wherein the communications network comprises the Internet (Cullen et al.; col. 3, lines 2-9).

Regarding claims 2, 4-7, and 9-14, the statements of obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claims 2, 4-7, and 9-14 and are herein incorporated by reference.

Claim 15 substantially repeats the subject matter of claim 1 and has been amended to include the subject matter presented by amendment to claim 1. Accordingly, claim 15 as presently amended is rejected as obvious in consideration of Cullen et al., in view of Herz et al. and further in view of Jinnett for the reasons, conclusions of obviousness, and statements motivation as discussed above with respect to claim 1.

As per claim 16, Cullen et al. teach a method wherein the insurance or financial services-related content is delivered to the user over the communications network (Cullen et al.; col. 1, lines 61-67, col. 3, lines 2-9, and col. 6, lines 9-21).

As per claim 17, Herz et al. disclose a method wherein the insurance or financial services-related content is delivered to the user via mail delivery means (Herz et al.; col. 38, lines 18-32 and col. 58, lines 26-56).

As per claim 18, Herz et al. disclose a method wherein delivering the insurance or financial services-related content comprises transferring the user to a URL address containing the insurance or financial services-related content (Herz et al.; col. 38, lines 18-32 and col. 58, lines 26-56).

As per claim 19, Cullen et al. teach a method wherein the information about the user comprises the user's identity (Cullen et al.; col. 3, line 42, and col. 5, lines 33-41).

As per claim 20, Cullen et al. teach a method wherein the user's identity is automatically determined upon the user accessing the filter module (Cullen et al.; col. 3, line 42, and col. 5, lines 33-41 and col. 4, lines 1-24).

As per claim 21, Cullen et al. teach a method where the user's identity is determined based on the user's username and password (Cullen et al.; col. 4, lines 1-35).

Claim 22 has been cancelled.

As per claim 23, Cullen et al. teach a method wherein the insurance or financial services-related content comprises literature relating to products and services available to the user (Cullen et al.; col. 6, lines 9-21).

As per claim 24, Cullen et al. teach a method wherein the information about the user is stored in a database (Cullen et al.; col. 6, lines 32-34 and col. 7, lines 42-44).

Regarding claims 16-21 and 23-24, the statements of obviousness and motivation to combine as discussed with regard to claim(s) 15/1 above are applicable to claims 16-21 and 23-24 and are herein incorporated by reference.

Claim 25 substantially repeats the subject matter of claim 1 and has been amended to include the subject matter presented by amendment to claim 1. Accordingly, claim 25 as presently amended is rejected as obvious in consideration of Cullen et al., in view of Herz et al. and further in view of Jinnett for the reasons, conclusions of obviousness, and statements motivation as discussed above with respect to claim 1.

As per claim 26, Cullen et al. teaches a method wherein the insurance or financial services-related content is received over the communications network (Cullen et al.; col. 1, lines 61-67 and col. 3, lines 2-9 and col. 6, lines 9-21).

As per claim 27, Chao et al. disclose a method wherein the insurance or financial services-related content is received via mail delivery means (Chao et al.; paragraph [0053] NOTE: "address").

As per claim 28, Cullen et al. teaches a method wherein the insurance or financial services-related content comprises information about insurance products and services available to the user (Cullen et al.; col. 3, line 10-15, and col. 7, lines 13-15).

Regarding claims 26-28, the obviousness and motivation to combine as discussed with regard to claim 25 above are applicable to claims 26-28 and are herein incorporated by reference.

As per (newly added) claim 30, Cullen and Herz fail to disclose a system wherein products and services the user is authorized to sell is based at least in part on the user's location.

However, Jinnett discloses a system wherein products and service the user is authorized to sell is based in part on the user's location (Jinnett; paragraphs [0018] [0045] [0051] [0106]0[0108]).

Regarding claim 30, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claim 30 and are herein incorporated by reference.

[6] Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., Herz et al., and Jinnett, as applied to claim 1 above, and further in view of Quido et al.

As per claim 3, although Cullen et al., teach delivering insurance or financial services-related content to a user via a computer network (Cullen et al.; Abstract), neither Cullen nor Chao, nor Herz specifically teach transmitting content in PDF format.

However, Quido et al., teaches a system wherein the insurance or financial services-related content is delivered in PDF format (Quido et al.; paragraphs [0095] [0101]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Herz et al., and Jinnett, as applied to claim 1 above, with those of Quido et al. Such combination would have resulted in a system and method in which a mobile software agent obtains the details of a user's requirements, obtains financial information from the server computers on behalf of the user in light of the users requirements, and then delivers the financial information to the user (Cullen et al.; Abstract). The motivation to combine the teachings would have been store content in PDF format, a format that is well known in the art as evidenced by Quido et al., such that the documents could be made available to an online user (Quido et al.; paragraph [0095]).

[7] Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., Herz et al. and Jinnett as applied to claim 1 above, and further in view of Parker (United States Patent Application Publication #2003/0182290).

As per claim 8, while Chao et al. teach a system wherein the administration interface serves in the uploading insurance or financial services-related information, Cullen et al., Chao et al., and Herz et al. fail teach scanning documents into the system.

However, scanning hardcopy documents for the purpose of computer storage is old and well known in the art as is evidenced by Parker (Parker; paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Herz et al., and Jinnett as applied to claim 1 above, with those of Parker. The motivation to combine the teachings would have been to employ a technique that is old and well-known in the art for the purpose of converting written documents into computer storable images (Parker; paragraph [0023]) such that scanned document images such as insurance policies, wills, medical histories etc., can be stored on the computer (Parker; paragraph [0023]).

Claim 29 differs from claim 1 with regard to the claimed administration module. Claim 29 further specifies the features of the claimed administration module to require "...wherein the administration interface includes scanning means for uploading insurance or financial services-related information". As per this element, Cullen et al., and Herz et al. fail to disclose and administration interface including scanning means.

While Jinnett teach a system wherein the administration interface serves in the uploading of insurance or financial services-related information, Jinnett fails to disclose scanning means for scanning hardcopy documents into the system.

However, as evidenced by Parker, it is well-known in the art to use a scanner to scan documents into electronic form such that they can be stored and accessed electronically (Parker; paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Chao et al., and Herz et al. as applied to claim 1 above, with those of Parker. It would have been obvious to have modified the administration interface of Chao et al. to include well-known technologies for converting written documents into computer storable images (Parker; paragraph [0023]) with the motivation of enabling pertinent documents such as insurance policies, wills, medical histories etc. to be converted to electronic images so that they can be stored on the computer (Parker; paragraph [0023]).

Response to Arguments

Applicant's arguments filed 3 June 2009 directed to the teachings of Chao et al. and in particular, the features including customization of products and services that the "user is authorized to sell..." are moot in view of newly added grounds of rejection.

Additionally, Applicant substantially rehashes remarks presented in the previous response. These remarks are deemed to have been addressed in the preceding sections of the instant Office Action and in the response to remarks in the previous Office Action. Accordingly, Examiner incorporates the response to the remarks presented in the previous Office Actions, mailed 3 February 2009, 31 March 2008, and 1 November 2007.

Applicant's remaining arguments filed 3 June 2009 have been fully considered but they are not persuasive. The remarks will be addressed below in the order in which they appear in the response filed 30 June 2008.

Applicant remarks that (1) Herz fails to disclose, "determining information about the user based on the user's historical access pattern to particular insurance products or policies and products the user is authorized to sell....". (2) "...Cullen fails to disclose "determining information about the user...", (3) "Cullen fails to disclose...a filtering module "for personalizing and delivering the at least one insurance or financial services-related product or service based on the information about the user".

Initially, Applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Further, Examiner notes that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986), See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to Applicant's remark (1), Examiner notes that the rejection of claim 1 relies on Cullen et al. for the determining of information about the user and delivery of personalized content limitations. Examiner acknowledges that Cullen et al. fails to define assembly of the user preferences based on the historical access pattern. Herz et al. is applied merely to evidence that

passive filtering of access behavior to assemble a user profile is old and well known in the art. Specifically, Herz et al. disclose a passive mechanism that “infers the user's interest from the user's behavior” (Herz et al.; col. 17, lines 30-35). Further, Herz et al. disclose assembly of an interest profile that is generated and improved over time based on articles accessed by the user (Herz; col. 7, lines 25-40, col. 58, lines 26-67, col. 59, lines 1-38). Examiner respectfully submits that the noted teachings indicate that the information delivery of Herz is directly related to information previously of interest to the user (see monitoring accessing of articles and updating profile).

In response to remarks (2) and (3), Examiner directs Applicant's attention to the applied teachings of Cullen et al. at col. 1, lines 31-45, col. 3, lines 29-34, and col. 5, lines 55-67 in addition to the support teachings at col. 6, lines 1-19. Cullen et al. disclose the use of mobile agent-based search technology (i.e., an “engine”) that includes a user “preference agent” which gathers information from the user regarding the user's preferences for particular insurance or financial products. Cullen et al. further define additional agents (e.g., insurance agent) that gather information about the user from the preference agent (i.e., user preference information) and use the preference information to gather insurance and financial product information from vendors that is tailored in accordance with the user preference information (i.e., a filter) (Cullen et al.; col. 5, lines 50-67 and col. 6, lines 1-19). Examiner respectfully submits that the gathering and assembly of preference information from the user as needed by the preference agent and subsequent gathering of insurance products from vendors that is tailored according to the preference information constitutes “determining information about the user” and “personalizing”

the deliverable content to the user. Examiner relies on the teachings of Cullen et al. to address the determining user information and personalizing deliverable financial and insurance product information in accordance with the user preference information. Examiner concedes that the search profile of the user and the filtering of deliverable content as disclosed by Cullen et al. is an active process requiring user preference inputs from the user. Accordingly, Cullen et al. fail to disclose assembly of the user profile by passive technologies, i.e., "based on a historical access pattern". Examiner relies on the teachings of Herz to evidence that assembly of a user search profile by passive technologies (i.e., user access patterns) is well-known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. DAVID RINES whose telephone number is (571)272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BETH BOSWELL can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. David Rines/
Examiner, Art Unit 3623